

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS COMPENSATION COMMISSION
Commissioner Gene McCaskill

W.C.C. File No. 1410083
Appellate Case No. 2016-001709
Appellate Case No. 2016-1750

Terry McCall 233236, Appellant
VS.

Hire Quest, LLC d/b/a Trojan Labor

REPLY TO RESPONDENTS RETURN
TO APPELLANTS MOTION TO
RECALL REMITTITUR

To: The Honorable Judges of the South Carolina Court of Appeals

On February 24, 2017 Respondent filed a Motion To File Return Out Of Time. And made its return to Appellants Motion to recall Remittitur. The Appellant replies to the respondents allegations that Appellant never argued he never recieved the Orders. However see attached affidavit whereby it was witnessed Appellant never recieved the Order. And again Appellant alleges he didnot recieve the remittitur timely in order to file for rehearing petition.(s)

The Court Erred when it was required to send the remittitur out on December 1, 2016 but sent the remittitur out on December 7, 2016. Therefor the Appellant was prejudiced by the courts failure to timely send the remittitur. In order to petition the court for a rehearing. Therefor this showing abolishes the respondnets argument in the case law of WISE 372 S.C.at 174,642 SE2dat 551, where the Appellant must show a mistake by the court, in order to prevail. See the Respondents own assertion on page 44 in their own Return To Appellants Motion to Recall Remittitur (line 1-2).


The Appellant brings to the Courts immediate attention that the Court has continously failed to send, forward his mail to the incorrect address after being properly notified of his correct address. And therefor this must be corrected or thair will be more challenges ahead concernig this matter. The Appellaant request this Court correct their files in everycase on the appellant terry mccall to reflect

his new address below the page. The Appellant argues the respondents return failed to provide a date and the appellant was not timely served with the remittitur in order to file a petition for rehearing. The Appellant argues the Court should deny Respondents Motion to file out of time. And grant the Appellants Motion to Recall Remittitur, and consider the Courts own mistakes contributing to appellants failure to timely file a petition for rehearing.

CONCLUSIONS

The Court should Deny the Respondents Motion to file return Out Of Time, and grant the Appellants Motion to Recall the Remittitur as the Court demms just and proper.

Columbia, S.C.
Dated 3-8-17

s. 
Terry McCall 233236
Goodman Corr Inst
Dorm 3-B-25-bb
4556 Broad River Road
Columbia, S.C. 29210

AFFIDAVIT OF FACTS

Affiant deposes and say as follows"

I, James, Isiah Jr. in sound mind who has been in south Carolina Department of Corrections in excess of (10) years .As and Employed Prisoner Chief Law CerK. Was assigned to Goodman Correctional Inst. on or about 1-18-2017 when Terry McCall approched me with questions.

Terry McCall ask me about the Remittitur which was ~~three~~ in excess of one copies. Affiant asked if McCall had any Orders therewith. McCall replied NONE included in Mail. The Affiant did not witness any either.

Affiant declares under penalty of perjury the matters and facts are True

Dated 3-8-17

s. Isiah James Jr. *Isiah James Jr.*
Isiah James Jr. 096883
Goodman Corr. Inst.
Dorm 2 B-39 B
4556 Broad River Road
Columbia, S.C. 29210

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MAR 10 2017

SC Court of Appeals



South Carolina Court of Appeals

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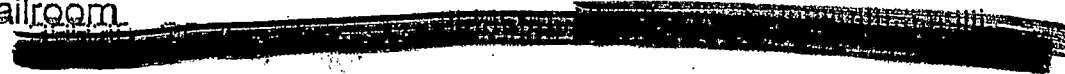
*233236
Goodman*

RIDGELAND CORRECTIONAL
INSTITUTION

FEB 27 2017

Mailroom

TERRY EDWARD MCCALL
RIDGELAND CORRECTIONAL INSTITUTION
P.O. BOX 2039
RIDGELAND SC 29936





The South Carolina Court of Appeals

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CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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February 23, 2017

Terry Edward McCall, 233236
Ridgeland Correctional Institution
P.O. Box 2039
Ridgeland SC 29936

Re: The State v. Terry McCall
Appellate Case No. 2015-001097

Dear Mr. McCall:

The Court has received your correspondence dated February 14, 2017. We are forwarding your inquiry to your lawyer, John Harrison Strom, for response.

Very truly yours,

V. Claire Allen

CLERK

cc: Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
John Harrison Strom, Esquire

SCDC
MAR 02 2017

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PROOF OF SERVICE

I hereby certify that I have served Appellants Reply to Respondents Motion To File An Out Of Time Return, Upon All Parties, by placing a copy in the United States mail, postage prepaid, to all parties on March 8th, 2017, addressed as following:

Also included is Motin To vacate

Partyyies Served

Collins And Lacy, P.C.
Kerri A Rupert, Esquire
Post Office Box 12487
Columbia S.C. 29211

South Carolina Court Of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, S.C. 29211

s. *Terry McCall*
Terry McCall # 233236
Goodman Correctional Inst.
Dorm 3- B-25-bb
4556 Broad River Road
Columbia, S.C. 29210

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MAR 10 2017

SC Court of Appeals

Terry McCall # 233236
Goodman Corr. Inst.
Dorm 3 B-25- bb
4556 Broad River Road
Columbia, S.C.
29210

Dated 3-8-17

In Re: Filing Motion to Proceed Pro Se', And Reply from
From Appellant to Respondents Return To Appellants Motion
To Recall Remittitur/ Motion To Vacate

Dear Clerk Of Court,

Find Enclosed the Appellant's Reply to Respondents
Motion to file out of time., and return. Enclosed also is the
appellants Motion To Proceed Pro Se Status. Which needs filing and
clocked in and copies return to appellantf for his records.

Find enclosed Motion To Vacate also.

s. Terry McCall
Terry McCall, Pro Se'

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MAR 10 2017
SC Court of Appeals

TERRY McCall # 233236
GOODMAN CORRECTIONAL Inst.
Dorm 3- B25-bb
4556 Broad River road
Columbia, S.C. 29210


SCDC SOUTH CAROLINA COURT OF APPEALS
Jenny Abbott Kitchings,
P.O. Box 11629

Columbia, S.C.
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